

C. A. P. XVI.

Cts. 10 6 75 50 75 40 10

Every hundred pipe or hoghead staves, or pipe or hoghead heading, 10
Every hundred barrel staves or barrel heading, 6
Every thousand shingles, two feet long or more, 75
Every thousand shingles less than two feet long, 50
Every hundred cubic feet of plank or scantling, 75
Every hundred cubic feet of other timber, 40
Every gross hundred weight of all other commodities or packages, 10
And for all other commodities, the same proportion, agreeable to the articles herein enumerated.

And every boat or vessel which has not commodities on board to pay the sum of four dollars, shall pay so much, as, with the commodities on board, will yield the sum aforesaid.

And every empty boat or vessel, four dollars, except an empty boat or vessel returning, whose load has already paid the tolls affixed, in which case she shall repass toll free; provided such boat or vessel shall return within fourteen days after paying said tolls.

On refusal to pay, vessels may be refused passage, &c.

X. AND BE IT ENACTED, That in case of refusal or neglect to pay the toll at the time of offering to pass through the said canal, and previous to the vessel's passing through the same, the collectors of the said tolls may lawfully refuse passage to such vessel; and if any vessel shall pass without paying the said toll, then the said collectors may seize such vessel wherever found, and sell the same at auction for ready money, which, so far as is necessary, shall be applied towards paying said toll, and all expences of seizure and sale, and the balance, if any, shall be paid to the owner, and the person having the direction of such vessel shall be liable for such toll, if the same is not paid by the sale of such vessel as aforesaid; provided that the said proprietors, or a majority of them, holding at least five hundred shares, shall have full power and authority, at any general meeting, to lessen the said tolls, or any of them; provided also, that the same rate of tolls shall be paid on articles passing from Chesapeake to Delaware as upon those paid from Delaware to Chesapeake.

Canal, &c. to be esteemed a public highway, &c.

XI. AND BE IT ENACTED, That the said canal, and the works to be erected thereon in virtue of this act, when completed, shall for ever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities or produce whatsoever, on payment of the tolls imposed by this act; and no toll or tax whatever for the use of the water of the said canal, and the works thereon erected, shall at any time hereafter be imposed by all or either of the said States.

President, &c. may purchase land, &c.

XII. AND, whereas it is necessary for the making the said canal, and supplying the same with water, that provision should be made for condemning a quantity of land for these purposes, BE IT ENACTED, That it shall and may be lawful for the said president and directors, or a majority of them, to purchase, from the owners thereof, any land through which the said canal is intended to pass, or through which it may be necessary to supply water to the same; and in case of disagreement, or in case the owner thereof shall be a *feme-covert*, under age, *non compos*, or out of the state, on application to any two justices of the county in which such land shall lie, the said justices shall issue their warrant; under their hands, to the sheriff of their county, to summon a jury of eighteen inhabitants of his county, of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten nor more than twenty days thereafter; and the sheriff, upon receiving the said warrant, shall forthwith summon the said jury, and when met, shall administer an oath, or affirmation, as the case shall require, to every juryman that shall appear, that he will faithfully and impartially discharge his duty, and that the damages the owner thereof shall sustain by the cutting the canal through the same, according to the best of his skill and judgment, and that in such valuation he will not favor any person, nor any person aggrieved for hatred, malice or ill-will; and the inquisition thereupon taken shall be signed by the sheriff, and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded; and upon every such valuation the jury are hereby directed to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors to the owner of the land, or his legal representative, before they shall take possession of said land, and on the payment thereof the said company shall be seized in fee of said land, as if conveyed by the owner to them, and their successors, in fee, by legal conveyance; provided nevertheless, that if any further damage shall arise to any proprietor of land in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as any such new